

**TASK FORCE ON
DAY CARE FACILITIES AND SERVICES
INTERIM REPORT**

DECEMBER 20, 1985

The Task Force was appointed in September, 1985, "to review current day care regulatory practices and to develop any appropriate recommendations for improving these activities." Members of the Task Force include representatives from the Legislature, State agencies concerned with the provision of out-of-home care for children, providers of care, advocacy groups and parents' organizations.

The group determined at its first meeting that, although the focus of its study was family and group day care, the task force should also address issues relating to children in certain other out-of-home care situations. Subsequently, we defined "out-of home child care" as follows:

"Out-of-home child care" means care outside of the child's home given instead of parental care to a child on a regular schedule for part of a day, by whatever name known, such as family day care, day care center, nursery school, kindergarten, before- and after-school care, learning center, child development center or summer camp. "Out-of-home child care" does not include legally-mandated public or nonpublic elementary, middle or secondary school programs.

Since the definition is limited to care outside the home for part of a day, our study does not include consideration of foster care or institutional care of children.

During its meetings, the Task Force heard reports from members concerning the present statutory and regulatory basis for the licensing of out-of-home care of children in Maryland. Representatives of the Department of Health and Mental Hygiene, local health departments, the Department of Human Resources, local departments of social services, and the Maryland State Department of Education, described the activities licensed or regulated by them, and gave their views of the strengths and weaknesses of the present system as well as recommendations for improvement.

Members representing advocacy groups, consumers, providers and the Legislature presented their views of the strengths and weaknesses of the present system. In addition, we reviewed reports of prior Maryland groups considering the issues, including Project P.R.E.S.S. in 1977 and the Report of the Health and Welfare Council in 1979. We also surveyed studies from various national organizations, reports of experts in the field of early childhood development, and studies from other states relating to the provision of and regulation of child care.

One of the most useful sources of information for our study was the public meeting held in Annapolis in November. Approximately 90 persons attended the meeting; 26 people testified. In addition, many individuals sent letters. Parents, educators, and providers of care identified problems associated with the regulation of child care.

Based upon all of the issues raised, the Task Force listed the problems associated with the regulation of out-of-home child care. We then divided them into four main categories: philosophical issues, organizational issues, issues concerning resources, and

issues concerning specific regulations. A sub-committee of the Task Force reviewed each of the categories to determine which issues should be given priority for this Interim Report in terms of overriding importance and/or the need for legislative action.

Our review of existing statutes, regulations and policies indicated that there was no consistent philosophy underlying the regulation of out-of-home child care in Maryland. The Task Force developed a statement of philosophy describing the reasons for regulating out-of-home child care and the nature of such regulation. The following statement, adopted by the Task Force, has been used as a guide in setting priorities and in developing our recommendations:

STATEMENT OF PHILOSOPHY

(1) Because the future of any society depends on the healthy physical, mental and emotional growth and development of children, the State has a stake in the well-being of children.

(2) Because of the family's value to the child, the State has an obligation to be supportive of parents in the performance of their child-rearing role and to strengthen family life.

(3) Nonparental care that children receive outside their homes is given for the purposes of supplementing the care and protection that children receive from their parents and enhancing the child's growth and development. Nonparental child care should foster the physical, emotional, intellectual, and social growth of the child and should be appropriate for the level of development and individual needs of the child in care.

(4) The State should see that generally-accepted minimum standards are set up and enforced to ensure the health, safety and well-being of children receiving care outside of their own homes. Regulation serves the consumers of child care who may have neither the access nor the expertise to inspect for and determine quality and safety and who, therefore, must rely on the authority of the State for protection.

(5) Out-of-home child care should be regulated in a consistent and organized manner; standards for compliance should be clear so that they can be understood by caregivers, operators, parents and regulators; and there should be a clear relationship between regulations and the results to be achieved. Training to assure the consistent and predictable enforcement of the regulations should be available to all staff administering the regulations.

(6) The regulation of out-of-home child care should protect the due process rights of those who are providing the care with respect to the enforcement of the regulations, prompt resolution of disputes, and reasonable sanctions for violations.

(7) The regulation of out-of-home child care should include protection of the right of parents to full knowledge about the care given to their children and should recognize the role parents play in supporting the regulatory process by their oversight of their children's care.

(8) Regulations should not impede the development of acceptable services offering out-of-home child care. The State should offer consultation and technical assistance to current and prospective providers of these services, and make readily available the regulations and clearly-stated expectations for compliance with the regulations.

(9) It is recognized that programs will vary in characteristics and quality as a function of the goals and objectives of the program and the personnel providing the care. However, the regulation of out-of-home child care must reflect that, regardless of the setting, children have the same needs for a safe and healthful environment, adequate facilities and equipment, a defined program and competent caregivers.

RECOMMENDATIONS:

In developing its recommendations, one of the Task Force's primary goals has been to assure a more consistent approach to the regulation of out-of-home child care by the three State agencies. We considered several alternatives for improving coordination and consistency, including the consolidation of regulatory responsibility within one agency.

The Task Force has determined that, at this point, the assignment of regulatory responsibilities for out-of-home child care should remain as it is presently defined in State law. A major reorganization of agency regulatory responsibilities would disrupt state and local operations. Any gains from consolidation would be offset, at least in the short run, by delays that would reduce the effectiveness of the licensing programs. The Task Force therefore recommends the following:

1. That the three agencies presently regulating programs offering out-of-home child care, DHR, DHMH and MSDE, adopt the Statement of Philosophy developed by the Task Force and be guided by this statement in their review of existing regulations and the development of new programs and regulations.

A major issue identified by agencies, providers and advocates alike is the lack of regulatory consistency between the three State agencies. Requirements for space, staff/child ratios, staff qualifications, and general health and safety requirements are, at times, contradictory. Although the State agencies have made efforts in isolated areas to achieve consistency, there is no underlying unified basis for determining when regulations should be consistent and when program differences require different regulations. The adoption of this basic statement and the use of it as a guide would assure that the three agencies begin their regulatory process from the same point of reference.

2. That an Interagency Child Care Licensing Council be established by legislation with specifically mandated responsibilities and dedicated staff in order to achieve coordination of regulation and to establish consistency between agencies to the extent possible.

As noted above, inconsistency of regulation between the three State agencies was identified as a major problem by most persons reporting to the Task Force. Adoption of a uniform basic philosophy to guide the regulatory process will not, of itself, solve the problem. Direct communication between the agencies at a policy-setting level and at the programmatic level is essential. In addition, there must be input on a regular basis from local agencies, advocacy organizations, consumers, providers and interested members of the public. The Council must have staff support if it is to make a significant contribution towards solving major impediments to the existence of a continuum of child care in this State.

Specifically, the Task Force recommends the following concerning membership of the Council, staff, responsibilities, and composition of an advisory workgroup:

The Council shall be composed of the Secretaries of DHMH and DHR, the Superintendent of MSDE (or their designees) and the primary program manager for the out-of-home child care program in each of the three agencies.

The chairperson of the Council shall be appointed by the Governor from among the membership on a rotating basis. The chairperson shall be responsible for calling meetings of the Council, establishing the Council's agenda, and directing staff effort.

The Council shall have separate staff resources. Basic options for location of Council staff within the State system include: (1) establishment as an entity within the Executive Office reporting administratively to the Governor's Office staff; or, (2) location within the administrative structure of one of the three departments separate from the unit responsible for program regulation. Whatever option is chosen, it must satisfy the following criteria:

- o Staff shall take its policy direction from the Interagency Child Care Licensing Council;
- o Staff must be so located that there is public visibility for the Council;
- o Staff must have sufficient autonomy in analysis to be capable of recommending actions to the Council regarding one or all of the three agencies;
- o Staff must operate independent of any one program unit's direction.

The Council shall meet at least once every three months, shall conduct at least one public meeting annually, and shall submit an annual report to the Governor and the General Assembly concerning the Council's activities, findings, and accomplishments.

The responsibilities of the Interagency Child Care Licensing Council shall include:

- o The establishment of common, mutually exclusive definitions for interagency use.
- o The review of all regulations proposed by the three Departments for out-of-home child care for the purpose of assuring coordination and consistency.
- o The examination and resolution of problems associated with the regulation of out-of-home child care in one or more of the regulatory agencies, including possible regulatory gaps or overlaps and difficulties experienced by consumers or providers of care (such as those identified by the Task Force).
- o The encouragement of methods to increase the effectiveness of the regulation of out-of-home child care.
- o The review of the adequacy of licensing resources available and utilization of these resources by the Departments.

To insure broad input to the Council, the Council shall be assisted by an advisory workgroup, established as follows:

- o Fifteen (15) members appointed by the Governor
- o At least one member shall represent each of the following:

- o local government licensing agency
- o consumers
- o providers
- o Office for Children and Youth
- o Fire Marshall

local building inspection unit
local zoning
provider associations
advocacy groups

- o A majority of the membership shall be appointed from the private sector.

The chairperson of the workgroup shall be elected by the membership. The chairperson shall call meetings at least once every three months and shall establish the agenda of the meetings.

The advisory workgroup shall:

- o Review issues and problems pertaining to out-of-home care of children and suggest priorities for consideration by the Interagency Child Care Council.
- o Identify interdepartmental issues of importance to providers and users which should be addressed by the Council.
- o Review educational and public affairs materials for applicability and usefulness.
- o Review proposed policies and regulations developed by the Council.
- o Transmit recommendations to the Council within 30 days of receiving proposed policies and regulations.

Legislation establishing the Council and Advisory Workgroup should provide for a sunset review in 5 years.

RECOMMENDATIONS CONCERNING THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE

The majority of letters received by the Task Force and testimony at the public meeting concerned issues associated with the Department of Health and Mental Hygiene regulations. The following recommendations require prompt attention by the Department:

- 3. That the Department require and provide mandatory training to local health department day care regulatory staff.**

In addition to the lack of consistency in regulation between State agencies, local officials and providers reported inconsistencies in interpretation of DHMH regulations between jurisdictions and even within particular jurisdictions. Mandatory continuing training is the first step toward resolving this problem.

- 4. That the Department develop regulations for infant care; that these regulations be published by June 30, 1986; and that every effort be made to have the regulations in effect by December 31, 1986.**

The lack of facilities for the care of infants was emphasized in reports to the Task Force. Providers interested in services to infants need guidance in establishing these facilities.

- 5. That the Department review existing group day care regulations for the purpose of reorganizing and simplifying them.**

Providers and regulators alike find present regulations confusing, ambiguous, and unnecessarily complicated. Regulations must be reviewed in light of the philosophical basis for regulation adopted by the Task Force. This is a difficult, time-consuming task that should start immediately.

6. That funding be provided to increase resources to enable implementation of these recommendations.

Existing State level staff is insufficient. This has resulted in an inability to review regulations, make revisions, and develop new regulations and interpretative materials on a timely basis. Additional resources are essential to implement the recommendations made by the Task Force regarding regulation revision and provision of training.

RECOMMENDATIONS CONCERNING THE DEPARTMENT OF HUMAN RESOURCES

The family day care registration law specifies minimal regulatory requirements for family day care homes. In view of the regulatory purpose of protecting children in care and the goal of the Task Force to achieve consistency of regulation where possible, we recommend the following legislative, budgetary and policy changes:

7. That the Family Day Care Law be amended to require annual inspection of registered family day care homes.

Existing law requires only that family day care homes be inspected "at least once every two years." Maryland Annotated Code, Family Law Article s5-551(c)(6). Regulations of both DHMH and MSDE require annual inspection of facilities. The basic standard should apply to all regulated out-of-home child care situations. This will require additional staff. See Recommendation 9 below.

8. That the Family Day Care Law be amended to provide authority for the Department to implement training requirements for providers as appropriate.

Current family day care regulations require only that providers be 18 years of age, in good health, and have no criminal record that would cause them to be unsuitable providers of care for children. Regulations of both DHMH and MSDE contain additional requirements for providers of care. DHR should have explicit statutory authority to require appropriate training (including expanded orientation sessions) for family day care providers.

9. That the Department require and provide mandatory training to local department family day care regulatory staff, and that funding be provided to increase resources for this purpose.

This training will assure consistent interpretation of regulations.

10. That the Department develop workload standards by June 30, 1986, to determine local staffing required to provide timely orientation sessions, make annual inspections, and process applications within the 60 days required by regulation.

Family day care providers have reported backlogs in certain jurisdictions and delays in providing orientation sessions because insufficient staff is assigned to family day care registration. Annual inspection also will require increased local staff.

RECOMMENDATION CONCERNING THE MARYLAND STATE DEPARTMENT OF EDUCATION

Representatives of nonpublic school programs uniformly reported that the regulatory activities of MSDE were satisfactory. Accreditation staff is centrally located, assuring uniformity of interpretation of regulations. Providers urged the Task Force not to attempt to change a system that functions well, especially in the area of MSDE licensure of before- and after-school programs in nonpublic schools.

- 11. That the Department provide for accreditation of educational programs in group day care centers, and that funding be provided to increase resources for this purpose.**

There are group day care centers in the State providing educational programs for children which are capable of meeting standards for accreditation by MSDE. At present, however, these centers are licensed by DHMH and are not permitted to use the term "nursery school" or "kindergarten" in reference to their program. The Task Force recommends that, if a center elects to offer to the public that it has a nursery school or kindergarten program, MSDE assume approval responsibility for that program. This requires coordination of licensing responsibilities with DHMH.

RECOMMENDATIONS IN SUPPORT OF PROPOSALS MADE BY OTHER ENTITIES

- 12. That legislation be enacted to provide appropriate regulation of youth camps.**

A gap in the regulation of out-of-home child care exists in the area of camps. Camps for children are not regulated by the State; local regulation varies. The State Advisory Committee to the Office for Children and Youth has identified this as a priority need as a result of a series of public hearings. Camp operators have also recognized the need for standards both to decrease risks to children and to assist providers in obtaining liability insurance.

- 13. That the Child Protection Review Panel's recommendations regarding consistent and thorough investigation and follow-up of child abuse and neglect reports in licensed child care settings be implemented expeditiously by the DHR, DHMH and MSDE.**

The Panel's report recommended uniform procedures for handling child abuse and neglect reports in family day care homes, day care centers, and nonpublic schools. The three agencies should establish these procedures by policy and regulation immediately.

- 14. That the State make every effort to assure that liability insurance be made available to day care providers at reasonable rates.**

Reports to the Task Force by providers confirm that many have been denied renewal of policies or have had premiums raised exorbitantly without statistical justification of increased insurance risk. We encourage the State Insurance Commissioner to consider day care providers in the development of a Marketing Assistance Program.

PRIORITIES FOR 1986:

The Task Force will continue to meet on a regular basis for the next six months. Based upon issues raised in previous meetings, we have given priority to the following areas of study:

1. Consideration of issues surrounding availability of infant and before-and after-school care, including:
 - a. Definitions of "infant" in DHR, DHMH and fire safety code;
 - b. Present limits on numbers of children in family day care;
 - c. Potential for using small center concept to resolve shortage of day care in these areas.

The chronic lack of child care for infants and children before and after school was reported by members of the task force and the general public in testimony and letters. Recommendations for improving the situation through the legislative and regulatory process included changing the definition of "infant" in the family day care law, permitting family day care providers to care for more children in before- and after-school situations, and increasing the number of children permitted in family day care with increased provider qualifications. Before making specific recommendations in this area, the Task Force needs additional information from the Fire Marshall concerning the life safety code, and experts in the field of infant care and the particular requirements of school age children. This is the first priority of Task Force in 1986.

2. Study of inconsistencies of regulation between jurisdictions; consideration of methods of assuring statewide uniformity of basic regulations.

In addition to inconsistencies of regulation between State agencies, the most frequently cited problem from local officials and day care center providers is the inconsistency of regulation and interpretation between jurisdictions in the State and inconsistent interpretation of regulators within particular jurisdictions. The mandatory training recommendation is an attempt to address this issue at the State level. However, local health department regulations, building codes, zoning regulations, and the fire code add to the complexity of the problem. The Task Force plans to request participation from local officials in these areas in order to determine the extent to which inconsistencies can be resolved and the licensing process simplified.

3. Consideration of whether church pre-school programs should be required to meet basic health and safety requirements.

The Task Force has received comment on both sides of this issue and will study it further in 1986.

4. Study inconsistency in fire, building, and zoning requirements for nonpublic schools and day care centers.

With input from local officials, the Task Force will make recommendations for developing consistent definitions and requirements for similar forms of out-of-home child care.

5. Study legislation and regulations concerning small centers to develop options for encouraging the availability of facilities for 7-12 children in residences.

6. Consider alternative forms of provider staff credentialling in day care centers.

Both providers and child development specialists have recommended that other forms of credentialling could be accepted by the health department as equivalent to present requirements without lowering staff quality in centers.

7. Study of possible intermediate sanctions, enforcement issues, and due process rights of providers.

Existing day care law does not permit intermediate sanctions for violations which may not require suspension or revocation of a license. Because of the finality of this sanction, it is seldom employed. A continuum of sanctions needs to be developed. In addition, providers need to know the nature of penalties for different violations, as well as the time limits for official investigations, reports, and decisions.

We urge providers, consumers and interested members of the public to continue to provide us with information concerning these and other issues. With this valuable input and the assistance of local officials and child development specialists, we expect to make recommendations in these areas in our final report on July 1, 1986.

February 3, 1986

Governor's Task Force on Day Care Facilities and Services
Minutes
January 16, 1986

The fourteenth meeting of the Governor's Task Force on Day Care Facilities and Services was held in the Calvert Room, State House, Annapolis, Maryland, on Thursday, January 16, 1986. Chairperson, Margaret Rawle, called the meeting to order at 3:10 p.m.

The following persons were present:

Members

Ms. Fran Abrams, Consumer Representative
Dr. Herman E. Behling, Jr., Maryland State Department of Education
Mr. Ray Dearborn, Maryland State Department of Budget and Fiscal Planning
Mr. Frank Farrow, Maryland State Department of Human Resources
Mr. Timothy W. Griffith, Local Departments of Social Services Representative
The Honorable Diane Kirchenbauer, House of Delegates
Mr. John E. Kyle, Office for Children and Youth
Ms. Deborah Lewis-Idema, Maryland State Department of Health and Mental Hygiene
Ms. Margaret Rawle, Public-at-Large
Ms. Evelyn Slaght, Child Advocacy Group
Ms. Jean Weaver, Provider Group
Dr. Joan C. Wilson, State Advisory Committee for Office for Children and Youth

Staff

Ms. Barbara H. Bartholomy, Maryland State Department of Health and Mental Hygiene
Mr. Ron Forbes, Maryland State Department of Human Resources

Guests

Ms. Arlene B. Fisher, 39th District State Central Committee
Ms. Nan Uille, Senator Barbara Hoffman's Staff

The minutes of the December 19, 1985 were approved as submitted.

The Interim Report to the Governor was discussed.

It should be noted that the minutes of the January 19, 1985 meeting state that the Report would include, as appendix material, options for staff placement for the proposed Interagency Child Care Licensing Council. The Chair reported that in the final drafting she had included those options in the body of the Report since they were not as lengthy as had first been assumed.

Ron Forbes reported that he had made a presentation to the Maryland Committee for Children on the Report and had received positive feedback.

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STATE DEPARTMENT OF EDUCATION
Div. of Certification & Accred.

Jean Weaver reported that she had shared the Report with the Maryland Child Care Association and that that group has requested ongoing meetings with the Baltimore City Health Department to address their concerns.

Barbara Bartholomy reported that she has been asked to discuss the Report with Health Officers at their February 5, 1986 meeting.

Ms. Rawle announced that copies of the Report had been sent to each person who testified at the Hearing on November 12, 1985 if an address were available for that person.

Chairperson Rawle has spoken with Jane Neshida in the Governor's Appointment Office to see if the Governor has indicated any response. Ms. Rawle indicated that the Governor had not yet responded but that Ms. Neshida was aware of the legislative implications of the Report and would communicate with her when the Governor had responded.

Delegate Kirchenbauer expressed willingness to introduce legislation to create the council if the Governor should choose not to do so. She also indicated that Senator Hoffman had expressed a similar inclination.

The group discussed possible ways of approaching the agenda established for the remainder of the year. It was decided that members would gather and share resources related to the topics on the agenda in order to familiarize the entire Task Force with the issues and enable them to refine questions and concerns for resource guests. The group also agreed that as the agenda developed it might be practical to have some small work groups prepare written material for additional discussion.

The next two meetings of the Task Force will be as follows:

Monday, February 10, 1986, 4:00 - 6:00, Annapolis (TBA)*
Tuesday, March 11, 1986, 4:00 - 6:00, Annapolis (TBA)*

The meeting was adjourned at 4:40 p.m.

Barbara H. Bartholomy
Barbara H. Bartholomy
Secretary Pro Tempore

Materials Distributed

Testimony of the Child Care Sub-Committee of the State Advisory Committee to the Maryland Office for Children and Youth
DRAFT NAEYC Position Statement on Developmentally Appropriate Practice in Early Childhood Programs - from Mr. Kyle

*John Kyle has confirmed that the meetings will be held in the Calvert Room of the State House.

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STATE DEPARTMENT OF EDUCATION

NUMBER OF LICENSED GROUP DAY CARE CENTERS IN MARYLAND
by Location, Type of Operation, Sponsorship and Capacity

Table I - March, 1986

Location	Total	Number of Centers					Sponsorship				Capacity			
		Type of Operation					Public	Non Profit	Religious	Proprietary	7-12	13-20	21-40	41 and Over
		Full Day	(B/A)*	Half Day	School Age	Extend Hours**								
ALLEGANY CO.	13	8	(4)	3	1	1	1	5	2	5		9	1	3
ANNE ARUNDEL	71	62	(40)	4	4	1		16	11	44	1	19	28	23
BALTIMORE CO.	125	84	(18)	7	30	4	5	40	33	47	2	23	56	44
CALVERT	10	7	(3)	3				2	1	7		5	4	1
CAROLINE	5	4	(3)		1			1	1	3		3		2
CARROLL	26	13	(5)	11	2			9	6	11	3	12	5	6
CECIL	13	10	(6)	3				3	4	6		1	8	4
CHARLES	19	13	(6)	6				2	6	11	2	1	8	8
CORCHESTER	9	8	()		1			2	1	6		3	4	2
FREDERICK	32	18	(13)	11	3		3	5	6	18	3	14	5	10
GARRETT	7	7	()					6		1		7		
HARFORD	17	13	(7)	4				5	6	6		4	4	9
HOWARD	32	14	(8)	2	15	1		20	1	11	2	1	18	11
JENNT	7	3	(1)	4				3		4	1	3	2	1
MONTGOMERY	188	110	(61)	4	52	22	8	109	30	41	5	45	63	75
PRINCE GEORGES	156	130	(56)	3	18	5		37	20	99	6	38	52	60
QUEEN ANNE'S	7	5	(4)	2			1	3	1	2		2	2	3
ST. MARYS	15	10	(2)	5			4	4	2	5		10	3	2
SOMERSET	6	6	(2)					3		3		2	1	3
TALBOT	8	4	(1)	3	1			5	1	2		3	2	3
WASHINGTON	18	10	(2)	6	2			8	3	7	1	6	4	7
WICOMICO	13	12	()	1				2	2	9		6	2	5
WORCESTER	8	7	(2)	1				3		5	2	2		4

TOTAL COUNTIES	805	558 (244)	83	129	35	22	293	137	353	28	219	272	286
BALTIMORE CITY	136	117 (7)	8	7	4	6	50	41	39	2	32	313	347
MARYLAND STATE	941	675 (251)	91	136	39	28	343	178	392	30	251		



*Number of Full Day Centers which offer before and after school care.
**Schools or Church Exempt Schools offering extended hours for day care service.

Prepared by: Maryland State Department of Health and Mental Hygiene
Preventive Medicine Administration
Division of Child Day Care Center Licensing and Consultation Services

Assigned Capacity of Centers, and Enrollment in Centers by Location and Type of Operation
Table II - March, 1986

	Total Capacity	Assigned Capacity			Type of Operation			Enrollment		
		Full Day	Half Day	School Age	Extended Hours**	Total Enrollment	Full Day	Type of Operation		Extended Hours**
								Half Day	School Age	
LEGANY CO.	363	259	58	26	20	382	261	72	26	23
NE ARUNDEL	3077	2840	100	104	33	3656	3257	252	108	39
ALTIMORE CO.	5005	3896	153	772	184	4961	3699	206	808	248
ALVERT	273	203	70			436	321	115		
AROLINE	233	218		15		201	187		14	
ARROLL	841	376	393	72		1144	415	665	64	
ECIL	685	608	77			632	555	77		
HARLES	949	683	266			1197	637	560		
ORCHESTER	280	252			28	261	233			28
REDERICK	1394	1065	251	78		1716	1103	565	48	
ARRETT	131	131				117	117			
ARFORD	846	764	82			969	868	101		
WARD	1437	869	26	390	152	1299	750	26	371	152
ENT	200	90	110			250	111	139		
ONTGOMERY	7964	5231	132	1856	745	7842	5055	156	1821	810
RINCE GEORGES	6803	6161	60	297	285	6486	5813	83	265	325
JEEN ANNE'S	282	219	63			310	247	63		
T. MARYS	410	228	182			533	245	288		
OMERSET	288	288				275	275			
ALBOT	324	182	75	67		347	208	69	70	
ASHINGTON	668	402	227	39		761	406	327	28	
ICOMICO	687	599	88			652	557	95		
ORCESTR	293	283	10			347	307	40		
TOTAL COUNTIES	33433	25847	2423	3716	1447	34774	25627	3899	3623	1625
ALTIMORE CITY	6060	5278	285	294	203	*	*	*	*	*
MARYLAND STATE	39359	31125	2708	3876	1650	34774	25627	3899	3623	1625

Prepared by: State Department of Health and Mental Hygiene
Preventive Medicine Administration
Division of Child Day Care Center Licensing and Consultation Services

*Enrollment data not available for Baltimore City

TASK FORCE ON DAY CARE
FACILITIES AND SERVICES
MINUTES
MAY 1, 1986



Ms. Rawles⁽⁶⁾ began the meeting without a quorum at 3:10 pm and discussed the recent legislation that had been passed. Although the day care Council legislation was signed by the Governor, no appropriations were allocated for staff.

By 3:20 a quorum was present.

Some discussion prevailed about the other day care legislation that passed.

Ms. Rawles proposed that the Task Force spend some time addressing the problem of staffing for the Council.

Representative Kirchenbauer suggested that we request the Governor to use some of his discretionary funds for this purpose; Mr. Kyle added that another avenue to pursue is the Board of Public Works.

It was agreed that a letter would be developed which requests the funds and calls for the initiation of the Council's activity and requests a meeting with the Governor in order to discuss the pertinent details.

The Chair asked for other issues to be identified that the Task Force needs to address.

Ms. Slaght suggested that an issue for the Council to look at is the one of public input into the regulatory process; Task Force might do well to make recommendations regarding the process of developing regulations.

There still seem to be some unresolved issues surrounding the fire and safety code.

It was recommended that the Task Force develop a job description for staffing the Council.

There is an issue of confidentiality and reference that needs to be explored as well as the question of due process.

The question of anonymity surrounding complaints and their investigations needs to be explored.

The following "issues" had been identified in preliminary reports:

Infant Care

Before/After School (Making regulations appropriate)

Church PreSchool Programs

Small Centers

It appears that some of the Task Force's recommendations are currently being implemented.

The Chair recommended that the Task Force break into small groups to word recommendations with regard to the issues identified.

Representative Kirchenbauer suggested that the Task Force recommend specific people to serve on the Advisory Council.

The group identified subcommittee assignments and volunteered or assigned members to the subcommittees as follows:

1. The regulatory process/opportunities for public input:
Jean Weaver (chairperson), *John Kyle*
2. Life Safety Code: Herman Behling (chairperson), Dr. Drachman
(Fran Abrams will help)
3. Job description for staff person on Council: Tim Griffith
(chairperson
(chairperson), John Kyle, Frank Farrow, Roy Dearborn
4. Complaints: Fran Abrams (chairperson), Jean Weaver,
Diane Kirchenbauer
5. Organization of Day Care Regulations - Evelyn Slaght (chairperson),
Diane Kirchenbauer, Jean Weaver, Debbie Lewis-Idema
6. Regulation of Church Preschools: Joan Wilson, Barbara Hoffman
(chairperson)

May 28 and June 12 were scheduled for the next two meetings from 3:00 to 5:00 pm. in Baltimore.

May 28 - L-1 - 201 W. Preston Street

June 12 - Governor's Conference Room - 15th Floor
301 W. Preston Street

The agenda for the 28th of May will consist of subcommittee recommendations regarding citizen input to the regulatory process, ~~regulation of church preschools~~, and a job description for the Council staff person.

The meeting was adjourned at 5:06 pm.

Attendance at May 1, 1986 meeting:

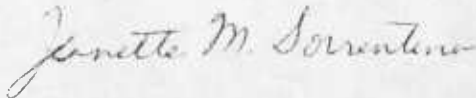
Members

Ms. Peg Rawle, Chairperson
Ms. Jean Weaver, Provider
Ms. Fran Abrams, Consumer Representative
Mr. Timothy Griffith, Social Services
The Honorable Diane Kirchenbauer, House of Delegates
Ms. Evelyn Slaght, Child Advocacy Group
Mr. John Kyle, Office for Children and Youth

Staff

Mr. Frank Sullivan, Department of Human Resources
Mr. Ron Forbes, Department of Human Resources
Mrs. Jeanette Sorrentino, Maryland State Department of Education

Respectfully submitted,

A handwritten signature in cursive script that reads "Jeanette M. Sorrentino".

Jeanette M. Sorrentino
Recording Secretary
Maryland State Department of Education

TASK FORCE ON DAY CARE
FACILITIES AND SERVICES MINUTES
MAY 28, 1986



Ms. Rawle called the meeting to order at 3:20 pm. The minutes were corrected as follows: (1) delete the "s" from Ms. Rawle's name as it appears on page 1 and thereafter; (2) add John Kyle's name to subcommittee next to item #1 on page 2; and (3) delete "regulations of church preschools" from subcommittee recommendations in last paragraph on page 2. In addition, Ms. Slaght requested that the minutes be sent to her at the Maryland Committee for Children address.

Ms. Rawle described her letter to the Governor requesting further consideration for independent staff to be appointed to the Interagency Council. Dr. Drachman indicated that his office would not support the request. Discussion prevailed. If Ms. Rawle has not received a response next week, she will make a telephone call to Johnny Johnson's office. In the meantime, Ms. Rawle will contact department secretaries to find out if there are any administrative position vacancies in existence.

Ms. Rawle asked the members to compile their own lists of persons to be recommended to Advisory Council.

Ms. Slaght discussed her subcommittee's report and Ms. Rawle asked if there was consensus regarding the five ways proposed in Part A of the report for provider input. There was consensus.

Discussion then followed regarding the organization of the regulations with respect to generality as contrasted to specificity. Mr. Dearborn felt that the number of problems which exist relative to the regulations indicates a different regulatory approach must be taken. It was agreed that mandatory training of inspectors is an essential factor. The issue of stating goals and then formulating relevant general (rather than specific) regulations was discussed. The subcommittee has agreed to review and revise Part B of their report with respect to developing specific recommendations for the Task Force to endorse. The subcommittee will also review and revise Part C on school age regulations in terms of recommending a new approach.

Dr. Drachman described his subcommittee's report on the life-safety code. Ms. Abrams suggested adding item 3 to last part of report to ensure that fire marshal's office is implementing items 1 through 4 in first part. The group asked Dr. Drachman to add an introductory paragraph to the report. Ms. Rawle requested Dr. Drachman to extend invitation to fire marshal to attend next Task Force Meeting.

The meeting was adjourned at 5:00 pm.

Those attending the May 28th meeting were as follows:

Members

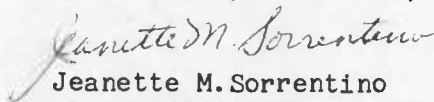
Ms. Peg Rawle, Chairperson, Public-at-large
Ms. Jean Weaver, Provider

Dr. Robert H. Drachman, Prince George's County Health Department
Mr. Ray Dearborn, Department of Budget and Fiscal Planning
The Honorable Barbara Hoffman, State Senate
Ms. Fran Abrams, Consumer Representative
Ms. Evelyn Slaght, Maryland Committee for Children
Mr. Frank Farrow, Department of Human Resources
The Honorable Diane Kirchenbauer, House of Delegates
Dr. Herman E. Behling, Jr., Maryland State Department of Education

Staff

Mrs. Jeanette Sorrentino, Recording Secretary, Maryland State
Department of Education
Mr. Ron Forbes, Social Services Administration

Respectfully submitted,



Jeanette M. Sorrentino
Recording Secretary
Maryland State Department of Education

JMS:cjf

Materials distributed:

Subcommittee report on Day Care Regulations
Subcommittee report on Life Safety Code
Draft of subcommittee report on job description for
staff person on Council

TASK FORCE ON DAY CARE FACILITIES AND SERVICES

June 12, 1986

Minutes

As of 3:20 pm. there was no quorum; however, since a guest speaker was present, the Chairperson asked the group to come to attention so we could listen to our guest speaker. Dr. Drachman introduced Mr. John Bender from the Fire Marshal's Office.

Mr. Bender addressed the group about fire safety regulations and enforcement. He distributed copies of the code sections that are specifically applicable to programs for children; however, the material he distributed did not include regulations pertinent to nursery schools. Mr. Bender said that the regulations for schools were in another section of the code. Ms. Rawle indicated that this was an issue. Mr. Bender was not aware of its being an issue in the fire community. The fire safety code, according to Mr. Bender, applies to all jurisdictions except Baltimore City which has its own code. A local jurisdiction can (and sometimes does) adopt more stringent regulations than the State's; examples are Prince George's, Montgomery, and Baltimore Counties.

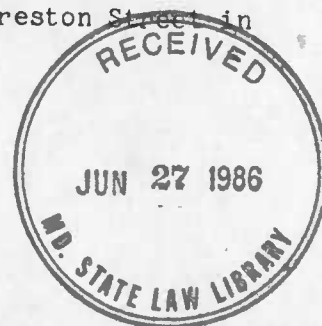
There is no statewide building code. Each jurisdiction has its own building code. If conflicts occur (in the 19 jurisdictions which the State regulates), they are resolved at the State Fire Marshal's office usually in favor of the life safety code. Some discussion prevailed during which Mr. Bender responded to questions.

The question was raised as to whether there are, in fact, differences in the code pertinent to day care centers and pertinent to nursery schools. Since the reality is that the differences may be fading away, i.e., nursery schools with before and after school day care, there is an urgent need to examine this issue. Mr. Bender reiterated the Fire Marshal's reliance on the National Life Safety Code.

Ms. Rawle requested that Mr. Bender address the subcommittee's recommendations item by item which he did.

Dr. Drachman asked Mr. Bender for suggestions regarding interfacing with the Fire Marshal's office for the purpose of pursuing consistency. Mr. Bender indicated that the Fire Marshal's office would be happy to cooperate and participate in meetings for the purpose of addressing clearly defined issues.

There seemed to be consensus among the group after Mr. Bender left that there be a recommendation concerning establishing a mechanism for the Advisory Council to interface with the Fire Marshal's office. Ms. Rawle asked Dr. Drachman to review matters and draft a report for the Task Force. The Chairperson also reminded the group that the final report is due July 1. She proposed two more meetings for subcommittee reports. The next two meetings will be: Monday, June 23, 3:00 - 5:00 pm., Monday, June 30, 3:00 - 5:00 pm. Both meetings will be in the Governor's Conference Room at 301 W. Preston Street in Baltimore.



Task Force on Day Care
Facilities and Services
June 12, 1986
Page Two

Since there was not a quorum present, no official business was transacted. Consequently, these are not official minutes. I simply recorded notes on Mr. Bender's presentation for your convenience.

Those present at the meeting were as follows:

Members :

Mr. Ray Dearborn, Department of Budget and Fiscal Planning
Ms. Peg Rawle, Public-at-Large
Dr. Robert Drachman, Prince George's County Health Department
Ms. Deborah Lewis-Idema, Department of Health and Mental Hygiene
Ms. Joan Wilson, State Advisory Committee/Office for Children and Youth
Mr. John Kyle, Office for Children and Youth

Staff :

Mr. Ron Forbes, Department of Human Resources, Social Services
Mr. Frank Sullivan, Department of Human Resources
Ms. Barbara Bartholomy, Department of Health and Mental Hygiene
Mrs. Jeanette M. Sorrentino, Recording Secretary, Maryland State Department of Education

Jeanette M. Sorrentino

Jeanette M. Sorrentino
Recording Secretary

JMS:cjf

GOVERNOR'S TASK FORCE ON DAY CARE LICENSING ISSUES

Meeting Notes

June 23, 1986

The Governor's Task Force on Day Care Licensing Issues met on Monday, June 23, 1986 at 3:00 P.M. in the Governor's Conference Room at 301 West Preston Street, Baltimore, Maryland. There being no quorum, Chairman Peg Rawle asked the secretary to record notes for the convenience of the Task Force.

The MS 22 for the staff person for the Interagency Council was discussed. The consensus was that the draft be amended to be clear that the staff person is "staff to and takes direction from the Council." It was suggested that the staff person's functions be expanded to include research and analysis on problems and development of options for their potential solution. Additional functions should include liaison with local sub-division task forces and other relevant groups. It was also agreed that the importance of staff to the Council and Advisory Group should be stressed in the final report and that the MS 22 should be appended to the report. John Kyle offered to draft preliminary language for that segment of the report.

The draft report on complaints was reviewed. It was suggested that it be revised to focus on problems. Fran Abrams volunteered to re-work that report.

There will be three primary agenda items for the meeting on June 30, 1986.

- 1) Discussion of church pre-school issues
- 2) Review of the revised recommendations of the sub-committee on regulations
- 3) Review of the revised recommendations of the sub-committee on fire issues

In addition, all present were asked to review the Interim Report and Statement of Philosophy prior to the next meeting to determine if there are other issues which should be mentioned in the final report.

Ms. Rawle stated that she expected to distribute the draft of the final report to all Task Force members prior to a final meeting in mid to late July at which time the report would be completed.

The group adjourned at 5:00.

Those persons present were:

Members

Ms. Peg Rawle, Chairman, Public-at-Large
Ms. Fran Abrams, Consumer Representative
Mr. Ray Dearborn, Department of Budget and Fiscal Planning
Mr. John Kyle, Office for Children and Youth
Ms. Joan Wilson, State Advisory Committee, OCY

Staff

Ms. Barbara Bartholomy, Department of Health & Mental Hygiene

Barbara H. Bartholomy
Barbara H. Bartholomy
Secretary, Pro Tempore

BAB:lms

Please attend next meeting which will be last meeting of
Task Force:

July 24, 1986

3:00 - 5:00

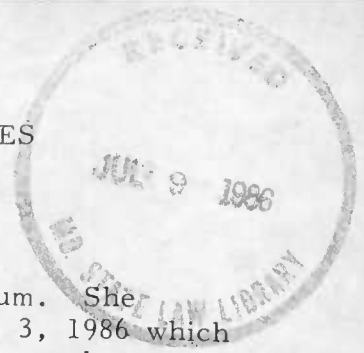
Governor's Conference Room

301 W. Preston Street

Baltimore 21201

Your presence is essential! We need a quorum!

TASK FORCE ON DAY CARE FACILITIES AND SERVICES
JUNE 30, 1986
MINUTES



Ms. Rawle opened the meeting at 3:15 pm. without a quorum. She asked for names to be submitted to her prior to Thursday, July 3, 1986 which she will submit to the Governor's office as recommendations from members of the Task Force (not from the Task Force itself) for service on the Advisory Council Work Group.

Mr. Kyle agreed to submit a revised job description prior to July 3, 1986 for Ms. Rawle to submit with the recommended names for the Work Group.

Mr. Kyle reported from Joan Wilson the following recommendations:

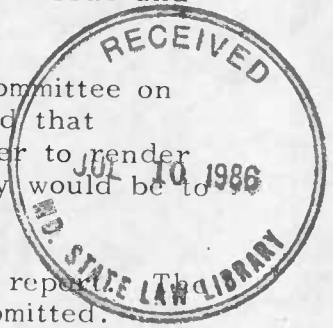
- 1 - Minimum requirements should not be removed for church exempt schools; removal would contradict the Task Force's philosophy for assuring to the public minimal compliance for health and safety of children.
- 2 - The Interagency Council should embrace church operated programs as they review consistency across agencies for minimum health and safety requirements at the State level.
- 3 - HB1577 (Ruben) needs to be expanded so that it doesn't matter if the school is in use as a public school or not as long as it meets school building code.

Discussion prevailed. It was suggested that a copy of letter which Maryland State Department of Education sends granting exemption from compliance with COMAR 13A.09.09 should go to State Fire Marshal's Office. Question was raised as to whether Maryland State Department of Education has authority to require proof of compliance with local building codes and ordinance in order to be eligible for exemption, i.e., occupancy permit. Consensus was that this question should be given serious consideration by Maryland State Department of Education.

The group agreed that a recommendation should be made to the Council regarding further exploration of the church exempt school issue by means of a task force or roundtable, the object of which would be to establish minimal health and safety regulations applicable to any program for children. It was further suggested that documentation first be accumulated specifying what is currently enforced/applied for church exempt programs.

The before and after school regulation for school age children was identified as separate and distinct from the church exempt school issue and it was agreed that it should be treated as such.

Dr. Drachman distributed a revised report from the Subcommittee on Regulations Administered by the Fire Marshal. It was suggested that Dr. Drachman share the revised report with Mr. Bender in order to render some productive feedback as to how helpful the report ultimately would be to the Fire Marshal's effective enforcement of the life safety code.



Ms. Rawle reiterated that her goal is late July for a final report. The question arose as to what pieces may have been overlooked or omitted.

Ms. Abrams emphasized that the issue of the number of children in family day care settings needs further attention. Ms. Slaght indicated that the issue of local zoning ordinances should be attached to the issue of numbers of children in family day care settings. Ms. Rawle pointed out that the small center is an associated issue. Ms. Abrams agreed to draft a recommendation for the Council that would encompass all three issues. Dr. Drachman agreed to draft a recommendation regarding sick child day care.

Ms. Abrams distributed material from the subcommittee which concerned itself with the handling of complaints.

Ms. Rawle requested that all outstanding drafts be submitted to her at her home address which is 3409 Guilford Terrace, Baltimore 21218 by Tuesday, July 8th; she will aim for sending a draft of a complete report back to members in time for them to review prior to meeting again on July 24, 1986 from 3:00 to 5:00 pm. (tentatively located in the Governor's Conference Room). Ms. Rawle vehemently requested that a quorum attend.

The meeting was adjourned at 5:00 pm.

Those present at the meeting were:

Members

Ms. Peg Rawle, Chairperson, Public-at-Large
Mr. John Kyle, Office for Children and Youth
Ms. Fran Abrams, Consumer Representative
Dr. Robert Drachman, Prince George's County Health Department
Ms. Deborah Lewis-Idema, Department of Health and Mental Hygiene
Ms. Evelyn Slaght, Maryland Committee for Children

Staff

Mrs. Jeanette M. Sorrentino, Recording Secretary, Maryland State
Department of Education
Mr. Frank Sullivan, Department of Human Resources/Social Security
Administration
Ms. Barbara Bartholomy, Department of Health and Mental Hygiene

Respectfully submitted,


Jeanette M. Sorrentino
Recording Secretary

Materials Distributed:

NFPA 101 Life Safety Code 1985 (from Barbara Bartholomy)
"How Complaints Are Handled" (from Fran Abrams)
Revised Report from Subcommittee on Regulations Administered
by Fire Marshal (from Dr. Drachman)

TASK FORCE ON DAY CARE FACILITIES AND SERVICES
JULY 24, 1986
MINUTES

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A quorum was present and Chairperson Rawle opened the meeting by distributing a draft copy of the Task Force's Final Report. Time was allowed for reading the report.

Interim report and job description will be included with final report.

Chairperson Rawle asked the group to comment on the final report section by section.

Mrs. Weaver recommended adding a sentence or two on page 5 to the explanatory paragraph about referrals to more clearly define what referral service means in terms of who is entitled to receive a complaint. Some discussion prevailed about this issue regarding legalities and confidentiality.

Discussion prevailed about the concept of licensed versus unlicensed child care givers advertising as described in the paragraph at the top of page 7 of the draft report. Consideration will be given to modifying this section to be sure it is accurate.

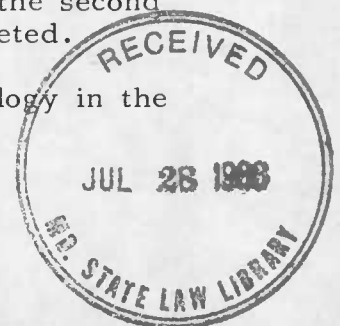
A question was raised about the accuracy of the section on page 6 describing the display of a license or certificate in a facility whose license has been suspended or revoked. The section will be adjusted.

Ms. Lewis-Idema expressed concern about the section on regulatory approach as described on page 7. She disagrees with the recommendation about a general approach to regulation because such an approach, she maintained, would not be enforceable. Discussion prevailed about the requirements about the Administrative Procedures Act (APA) with regard to specificity. Ms. Slaght was asked by the Chair to comment particularly about the report's recommendation regarding the length of the 144 page draft of Department of Health and Mental Hygiene day care regulations. Ms. Lewis-Idema tried to identify the two separate issues of general approach to regulation and the specific approach which seems to have resulted in the 144 page draft document. Discussion prevailed. The Chair asked Ms. Slaght, Ms. Lewis-Idema, Ms. Warren, and Ms. Weaver to develop a statement which will more accurately reflect the Task Force's position with regard to the issue of approach to regulation; they were encouraged to reexamine the APA's requirements and each department's approach with an effort to come up with a unified approach. Mr. Dearborn was also asked by the Chair to provide some input to this effort.

In the section on school age regulations the Chair agreed to delete the last sentence of the paragraph regarding "broad outcome" in light of the previous discussion.

On page 9 it was agreed that in the first underlined paragraph the phrase "fire and safety regulations" would replace "fire regulations." In the second underlined paragraph it was agreed that the word "minimal" be deleted.

It was suggested that some attention be given to the terminology in the section on "Day Care for the Sick Child."

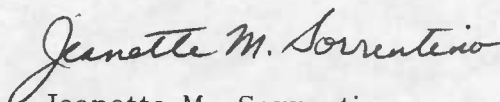


The group agreed that the last sentence of the final report would be adjusted in terms of clarity.

The Chair asked for a motion on approval of the report. A motion was made and seconded. The Chair indicated that each Task Force member would receive the revised final report for reviewing prior to its being submitted to the Governor.

The meeting was adjourned.

Respectfully submitted,



Jeanette M. Sorrentino
Recording Secretary

Those in attendance at the July 24 meeting were:

Members

Dr. Herman Behling, Maryland State Department of Education
Ms. Margaret S. Rawle, Public-at-Large
Mr. John E. Kyle, Office for Children and Youth
The Honorable Diane Kirchenbauer, House of Delegates
Mr. Timothy Griffith, Washington County Department of Social Services
Mr. Frank Farrow, Social Services Administration/Department of
Human Resources
Dr. Robert H. Drachman, Prince George's Health Department
Ms. Frances Abrams, Consumer Representative
Ms. Jean A. Weaver, Maryland Child Care Association
Mr. Ray N. Dearborn, Department of Budget and Fiscal Planning
Ms. Evelyn Slaght, Maryland Committee for Children
Ms. Deborah Lewis-Idema, Department of Health and Mental Hygiene

Staff

Mrs. Jeanette M. Sorrentino, Recording Secretary, Maryland State
Department of Education
Mr. Frank Sullivan, Social Services Administration/Department of
Human Resources